REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are currently being amended. Claims 1-18 remain pending in this application.

Rejections under 35 U.S.C. § 103

Claims 1-2, 7-9 and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,752,041 to Fosdick ("Fosdick") in view of U.S. Patent No. 6,723,181 to Lim ("Lim"). Claims 2-6, 10-13 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fosdick in view of Lim and US 2001/0037403 to Mougi et al. ("Mougi") . Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 recites:

> A telecommunications platform having a plurality of communications links, each link providing a certain amount of traffic capacity to a communications network, of which only a portion of the links to the communications network are enabled for use through the activation of a first base license key, comprising:
> a licensing framework *for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity* to the communications network; and
> a traffic monitoring element for measuring the traffic level of the platform and for generating data related to the measured traffic level for determining whether the number of links to the communications network which are used is greater than that provided for by the base license key. (emphasis added)

Thus, in claim 1, the licensing framework is for <u>activating an upgrade license key which enables additional links to the communications network to increase the total amount of traffic capacity</u> to the communications network. Fosdick and Lim fail to suggest at least this feature of claim 1 in the context of that claim.

Fosdick is directed to a system for licensing program management within a distributed processing system. The system allows users within one portion of the distributed data processing system 8 to utilize a licensed program which is controlled by use of tokens which may be stored within another portion of the distributed data processing system 8 (col. 3, line 65 – col. 4, line 2). The system employs a "usage limit" which is the maximum number of users which are authorized by a licensed program key protected license (col. 5, lines 26-28). A licensed program may go over the usage limit for a particular system by borrowing tokens from other systems within the network (col. 5, lines 28-32). In particular, Fosdick discloses the borrowing of tokens between two systems A and B within the distributed system for the use of a licensed program in FIGs. 5A-5H.

Fosdick, however, fails to disclose <u>activating an upgrade license key to enable additional communication links to increase the total amount of traffic capacity</u> to a communications network as recited in claim 1, where each communication link provides a certain amount of the <u>traffic capacity</u> to the communications network. Fosdick merely discloses a licensing program management system which manages the use of licensed programs that may be used by systems within a distributed data processing system by the borrowing back and forth of tokens. Fosdick does not disclose that the borrowing of tokens between systems within its distributed system <u>enables additional communication links</u> to increase the total amount of <u>traffic capacity</u> to its distributed data processing system or a system within the distributed system.

Even if the <u>traffic</u> to a system in Fosdick increases when that system borrows a token to increase the number of users that may use a licensed program, that is not the same as enabling additional communication links to increase the total amount of <u>traffic capacity</u> to that system. To the contrary, the <u>traffic capacity</u> to one of the systems in Fosdick does not appear to change when the number of users of a licensed program is increased in the system, and the number of enabled communication links affecting traffic capacity to the system is not disclosed as changing depending on the number of users of the licensed program in the system. Significantly, Fosdick does disclose a particular communication link 22 from

computer 12 of LAN 10 to mainframe computer 18. Nowhere, however, does Fosdick suggest that the number of such links 22 is increased to increase traffic capacity between the LAN 10 and the mainframe computer 22 depending on the number of users using a licensed program in the LAN.

If the Examiner maintains the rejection based on Fosdick, the Examiner is respectfully requested to point out where in Fosdick there is a disclosure of enabling additional communication links to increase the total amount of traffic capacity, and not merely traffic, to a communications network.

Lim was cited for allegedly disclosing a telecommunications platform and activating an upgrade license key, but fails to cure the deficiencies of Fosdick. Nowhere does Lim disclose or suggest "activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity" as recited in claim 1, and thus, even if Fosdick were combined with Lim, the combination fails to suggest all the features of claim 1. In particular with respect to Lim, the upgrading a system license based on a new application key as disclosed in col. 6, lines 56-57, has nothing to do with enabling additional links to a communications network to increase the total amount of traffic capacity.

Mougi was cited for other features of the claims, but fails to cure the deficiencies of Fosdick and Lim.

Independent claims 8, 15, 16 and 17 respectively recite "activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network," "a licensing framework for activating an upgrade license key to temporarily enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network," "a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network," and "a

licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network," and thus are patentable for reasons analogous to claim 1.

The dependent claims are patentable for reasons analogous to their respective independent claims, as well as for further patentable features recited therein.

Applicants believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Date ___March 7, 2008___   By _____

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